

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Atty. Docket
GUOFU ZHOU ET AL.	NL 030091
	Confirmation No. 1807
Serial No. 10/542,910	Group Art Unit: 2629
Filed: JULY 20, 2005	Examiner: MANDEVILLE, J.M.
Title: ELECTROPHORETIC DISPLAY PANEL AND DRIVING METHOD THEREFOR	

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CORRECTED APPEAL BRIEF

Sir:

Appellants herewith respectfully presents a Grounds of Rejection to Be Reviewed on Appeal responsive to the Notice of Non-Compliant Appeal Brief mailed on June 4, 2009 as follows:

Please delete the previously submitted Status of Claims, Grounds of Rejection to Be Reviewed on Appeal section and Argument section, and substitute the following Status of Claims, Grounds of

Rejection to Be Reviewed on Appeal section and Argument section included herein. The corrected Argument section refers only to the pending claims, namely, claims 1 and 3.

STATUS OF CLAIMS

Claims 1 and 3 are pending in this application, where claims 2 and 4-9 had been canceled. Claims 1 and 3 are rejected in the Final Office Action mailed in December 5, 2008. This rejection was upheld, in the Advisory Action that was mailed on February 19, 2009. Claims 1 and 3 are the subject of this appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 and 3 of U.S. Patent Application Serial No. 10/542,910 is unpatentable under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2002/0005832 (Katase) in view of U.S. Patent Application Publication No. 2003/0137521 (Zehner).

ARGUMENT

Claims 1 and 3 are said to be unpatentable over Katase in view of Zehner.

Appellants respectfully request the Board to address the patentability of independent claim 1, and further claim 3 as depending from claim 1, based on the requirements of independent claim 1. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claim 3 at a later date should the separately patentable subject matter of claim 3 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of claim 1 is not intended as a waiver of Appellants' right to argue the patentability of the further claim and claim elements at that later time.

Katase is directed to a method for driving an active matrix electrophoretic display where differential voltages are applied to pixels. The differential voltages are calculated on the basis of a

difference between a current average position of pigment particles and a subsequent desired position. Paragraphs [0069] and [0094], and FIGs 3, 6, 8, 11, 14-15, 17-18, 22-23, 29-31, and 33-35 disclose that a reset data (Drest) having a level of Vrest is used for attracting pigment particles 3 to the pixel electrodes 104 so that their positions are initialized.

It is alleged on page 8, paragraph 1, last sentence of the Final Office Action, that "the reset potential difference can enable particles to occupy either extreme position)."

It is respectfully submitted that Katase specifically discloses in Paragraph [0102] that:

the reset voltage Vrest is negative compared to the common voltage Vcom of the common electrode, because the pigment particles are positively charged.
(Emphasis added)

That is, the Katase particles are directed towards one extreme position by applying a voltage having an apposite polarity to attract the particles to one extreme position. Even, assuming arguendo, that Katase discloses a reset data signal that allows particles to occupy either extreme position, there is still no disclosure or suggestion of the present invention as recited in

independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

the drive means are further arranged for controlling the reset potential difference of each picture element to enable particles to occupy the extreme position which is closest to the position of the particles which corresponds to the image information.

The allegation that the Katase reset data signal allows particles to occupy either extreme position still does not disclose or suggest any relationship between the current position of particles and their final or extreme position, let alone disclose or suggest controlling the reset potential difference of each picture element to enable particles to occupy the extreme position which is closest to the position of the particles which corresponds to the image information, as recited in independent claim 1.

Further, pages 8-9 of the Final Office Action allege that FIGS 8-10 and Paragraphs [002], [0005]-[0006], [0066]-[0067], [0150] [0169]-[0175] of Zehner disclose or suggest controlling the reset potential difference of each picture element to enable particles to occupy the extreme position which is closest to the position of the particles which corresponds to the image information, as recited in

independent claim 1, because the Zehner "reset potential difference can enable particles to occupy either extreme position." (Final Office Action, page 9, line 6).

It is respectfully submitted that similar to Katase, Zehner does not disclose or suggest "controlling the reset potential difference of each picture element to enable particles to occupy the extreme position which is closest to the position of the particles which corresponds to the image information," as recited in independent claim 1.

Rather, Zehner merely discloses in Paragraph [0150] that a "step 304 is a "reset" step in which all the pixels of the display are driven alternately to their black and white states." (Emphasis added) Further, FIGs 2, 4a-4B and 16A-1C in conjunction with Paragraphs [0150] and [0169]-[0175] of Zehner merely describe using flashes of alternating positive and negative voltages as a reset step that move charges particles to pixel extremes, near the electrodes.

There is simply no teaching or suggestion in Katase and Zehner, alone or in combination, any drive means "arranged for


controlling the reset potential difference of each picture element to enable particles to occupy the extreme position which is closest to the position of the particles which corresponds to the image information," as recited in independent claim 1. Machida is cited to allegedly show other features and does not remedy the deficiencies in Katase and Zehner.

Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claim 3 is also allowable at least based on its dependence from independent claim 1.

In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the Brief on Appeal is compliant and consideration on the merits is respectfully requested.

Respectfully submitted,

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